

Remarks

This Amendment is in response to the Final Office Action dated **January 24, 2008**. In the Final Office Action, claim 36 was withdrawn from consideration as being directed to a non-elected invention; claims 1-16 and 37-38 were rejected under 35 USC §112 as being indefinite; claims 1-3, 6-8 and 11-14 were rejected under 35 USC §102(e) as being anticipated by Le Comte et al. (6,818,182); claims 1-3 and 6-9 were rejected under 35 USC §102(e) as being anticipated by Hubert et al. (6,589,789); claim 10 was rejected under 35 USC §103(a) as being unpatentable over Hubert et al (6,589,789); and claims 4-5 and 37-38 would be allowable if rewritten.

Applicants have amended the claims so that they are in condition for allowance. Therefore, Applicants request that the amendments be entered (see MPEP 714.12).

Allowable Subject Matter

In the Final Office Action, claims 4-5 would be allowable if rewritten or amended to overcome the rejection(s) under 35 USC §112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

Applicants have amended claim 1 to recite all the elements of claim 4 and to overcome the 35 USC §112 rejection. No new matter was added. Claim 1 as amended recites:

Gripping tool for automatic laboratory machines, with

- gripping appliances (9, 10) for gripping vessels, the gripping appliances (9, 10) comprising needles (15, 16) and/or liners (21, 22), directed towards each other,
- an appliance for converting and/or transferring (42, 45) of rotational movements, which is coupled with the gripping appliances (9, 10) in order to drive the gripping appliances (9,10),
- a coupling appliance (49) connectable with a tool support (66) of an automatic laboratory machine, which is coupled with the drive of the appliance for converting and/or transferring (42, 45) in order to drive the gripping tool, and
- a mounting appliance (35, 36) by which the gripping tool (1) is mountable on the tool support (66) of the automatic laboratory machine, while the coupling appliance (49) is connected with the rotational drive appliance (78) of the tool support (66).

Applicants have amended claim 5 so that it depends upon claim 1. Applicants submit that the amendment of claim 1 moots the 35 USC §102 and 35 USC §103 rejections.

In the Final Office Action, claims 37-38 would be allowable if rewritten or amended to overcome the rejection(s) under 35 USC §112, second paragraph. Applicants have amended claim 37 to overcome the 35 USC §112 rejection. No new matter was added. Claim 37 as amended recites:

Gripping tool for automatic laboratory machines, the gripping tool comprising needles (15, 16) and/or liners (21, 22), directed towards each other;

gripping appliances (9, 10) for gripping vessels, the gripping appliances comprising;

an appliance for converting and/or transferring (42, 45) of rotational movements, which is coupled with the gripping appliances (9, 10) in order to drive the gripping appliances (9,10);

a coupling appliance (49) connectable with a tool support (66) of an automatic laboratory machine, which is coupled with the drive of the appliance for converting and/or transferring (42, 45) in order to drive the gripping tool, and

a mounting appliance (35, 36) by which the gripping tool (1) is mountable on the tool support (66) of the automatic laboratory machine, while the coupling appliance (49) is connected with the tool support (66).

For at least these reasons, Applicants submit that claims 1-3, 5-16 and 37-38 are in condition for allowance.

Conclusion

Based on at least the above, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-3, 5-16 and 37-38 is requested.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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